

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 05-0135
)	Electronically Filed
MICHAEL DELBRIDGE)	

MEMORANDUM AND ORDER OF COURT

Before the Court is defendant Michael Delbridge's pro se motion to dismiss the indictment on "Statute of Limitation Speedy Trial" (doc. no. 148). After careful consideration of the motion and the government's response, and in light of this Court's intimate familiarity with this defendant and this record, the Court will deny defendant's motion.

As the government correctly argues, defendant has waived his right to move to dismiss the charges on any grounds, including alleged speedy trial violations. 18 U.S.C. § 3162(a)(2) ("Failure of the defendant to move for dismissal prior to trial or entry of a plea of guilty or nolo contendere shall constitute a waiver of the right to dismissal under this section."). Defendant entered a guilty plea to Count Three of the Second Superseding Indictment on June 13, 2007, and waived his right to assert defenses, including any speedy trial defense, at the change of plea hearing.¹ Moreover, defendant has not specified the manner in which his speedy trial rights were violated, except in general terms, and the record shows there has been no violations of his speedy trial rights nor any delay that were not excluded by defendant's own motions, plea negotiations and guilty plea.

Accordingly,

¹This Court denied defendant's motion to withdraw guilty plea by Order of September 26, 2007 (doc. no. 149), and sentencing is currently scheduled for December 6, 2007.

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss the Indictment on "Statute of Limitation Speedy Trial" (doc. no. 148) is **DENIED**.

SO ORDERED

this 10th day of October, 2007

s/ Arthur J. Schwab

Arthur J. Schwab

United States District Judge